

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
ANDREW CHRISTOPHER GUEST, :

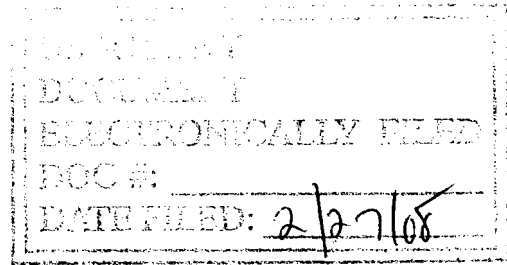
Plaintiff, :

-against- :

THE MOUNT VERNON POLICE DEPT., et al, :

Defendant. :
-----X

07 Civ. 8840 (PAC) (DF)

ORDER**DEBRA FREEMAN, United States Magistrate Judge:**

Rule 4(m) of the Federal Rules of Civil Procedure provides that, if service of the Summons and Complaint is not made upon a defendant within 120 days after the filing of the Complaint, the Court shall dismiss the action without prejudice, unless good cause is shown for the plaintiff's failure to serve within the prescribed time. The Court may also direct that service be effected within a specified time.

It appears that, in this case, which has been referred to me by the Honorable Paul A. Crotty for general pretrial supervision, service was *not* made within 120 days of the filing of the Complaint. The Complaint was filed on October 15, 2007, and, according to the Court's Docket, no proof of service has been filed to date. The Court notes, however, that Plaintiff is incarcerated and is proceeding in this case *pro se*, and that he may not have understood or been able to comply with the requirements of Rule 4(m). Accordingly, it is hereby ORDERED that:

1. An Amended Summons be issued as of this date, and forwarded by the Court's *Pro Se* Office to Plaintiff, together with any necessary forms to permit service of the Complaint to be made upon Defendants no later than June 26, 2008.

2. Plaintiff is cautioned that, if, by June 26, 2008, the Court has not received either proof of service or an affidavit demonstrating good cause for Plaintiff's failure to effect timely service, I will recommend to Judge Crotty that this action be dismissed without prejudice.

Dated: New York, New York
February 27, 2008

SO ORDERED


DEBRA FREEMAN
United States Magistrate Judge

Copies To:

Pro Se Office, S.D.N.Y.

Hon. Paul A. Crotty, U.S.D.J.

Mr. Andrew Christopher Guest
#24805
Westchester County Jail
P.O. Box 10
Valhalla, NY 10595